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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,570	11/30/2005	Shane Cannon	02783	2002
987	7590	09/19/2007		
SALTER & MICHAELSON THE HERITAGE BUILDING 321 SOUTH MAIN STREET PROVIDENCE, RI 029037128			EXAMINER STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	
			MAIL DATE	DELIVERY MODE
			09/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/541,570

**Applicant(s)**

CANNON, SHANE

**Examiner**

Amy J. Sterling

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/23/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is the first Office Action for application number 10/541,570, Apparatus for Maintaining the Orientation of a Badge or Other Insignia, filed on 7/6/05. Claims 1-29 are pending.

#### ***Information Disclosure Statement***

The information disclosure statement submitted on 9/23/05 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitation "each of the two bearings". There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites, "in which the lens is sealed in a housing" and it is unclear whether this housing is the same or a different element than the housing recited in claim 1.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

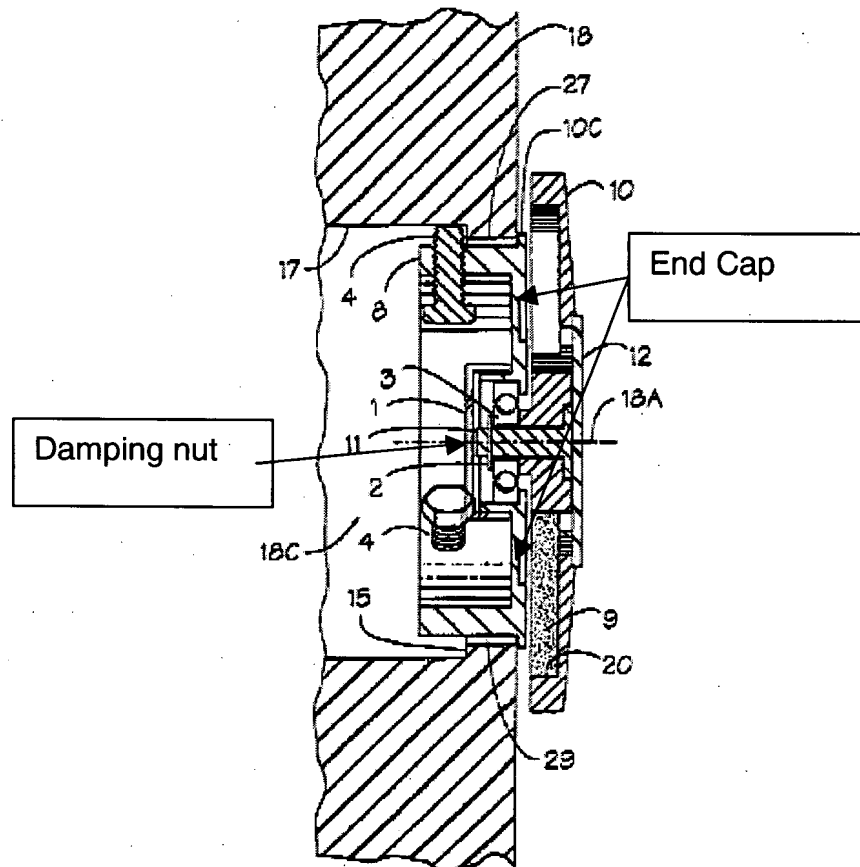
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 10, 12-22 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5957542 to Boothe et al.

The patent to Boothe et al. discloses a wheel apparatus for maintaining the orientation of a badge or other insignia on a rotatable member comprising a housing (8) adapted for attachment to the rotatable member (18), bearing means (3) located within the housing, an axle support mounted (11) in the bearing means with the bearing means axially spaced about the axle, the support axle adapted to carry the badge (12) or other insignia, the badge being connected to the support and a means for urging (9) which is a integral counterweight that provides a center of gravity which is radially off axis and is hung in a manner which both avoids applying a bending moment of the bearings and also loads the bearing equally, the support to a datum position with respect to the housing whereby, in operation, the orientation of the support and any badge or other insignia connected to it may be maintained, relative to the housing, as the housing rotates, wherein the housing is adapted to be a snap fit (See Col. 4, line 4) in the rotatable member in which it is, in use, to be connected and a lens (1) sealed in the housing and positioned closely adjacent to the badge, wherein an end cap (See Below) closes off the hosing on the side remote from the lens and together with the end

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cap form a sealed assembly and an adjustable friction damping means (the nut adjusted by being tightened down will increase friction and provide a damping force oscillation of the badge, See below) provided by the bearing.



### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 6, 11 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5957542 to Boothe et al. as applied to claim 1 above.

Boothe teaches that the bearing is retained on the axle by a retainer (2).

Boothe et al. does not specifically teach that the housing is made from a synthetic plastic. Booth et al. shows that a portion of the device is plastic (See Col. 4, line 44) the plastic used for its durable and lightweight properties. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Booth et al. to have made the device of plastic in order to have a device that is durable yet lightweight.

Although Boothe et al. does not specifically teach two bearings in the bearing means, it would be obvious to one of ordinary skill in the art to have made the bearing means be two bearings because two bearings has the exact function as having one bearing and the addition of an extra bearing is a predictable result. (See KSR v. Teleflex, 550 U.S., 127 S. Ct. 1727 (2007)).

Although Boothe et al. does not specifically teach that the badge is secured to the support by adhesive, this would be an obvious attachment method, the adhesive used for it low cost.

Although Boothe et al. does not specifically teach different damping means such as fluid, magnetic, air, or electronic with a feedback signal, it would be obvious to one of ordinary skill in the art to have made the damping means by any known structure

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because damping the oscillation by any method has the exact same function as having a friction damping mechanism and the substitution of the damping lends a predictable result. (See KSR v. Teleflex, 550 U.S., 127 S. Ct. 1727 (2007)).

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5957542 to Boothe et al. as applied to claim 1, 5, and 6 above and further in view of France Patent 2 641 045 to Lapostolet.

Boothe et al. teaches that the bearing is retained on the axle by a retainer (2), but does not specifically teach that the retainer is a star washer made of spring steel.

Lapostolet teaches a retainer which is a spring steel star washer (7), used in order to retain the desired element to the desired device. Therefore, it would have been obvious to one of ordinary skill in the art from the teachings of Lapostolet to have used a spring steel star washer, in order to retain the bearings to the retainer.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The following documents show various rotating members

2002/0125761

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Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). The fax machine number for the Technology center is 571-273-8300 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

Amy J. Sterling  
9/14/07

  
**AMY J. STERLING  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600**